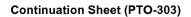
## Advisory Action Before the Filing of an Appeal Brief

| Application No. | Applicant(s)          |  |  |
|-----------------|-----------------------|--|--|
| 10/693,423      | SCHOENFELD, CHRISTIAN |  |  |
| Examiner        | Art Unit              |  |  |
| Viet Vu         | 2454                  |  |  |

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|---|--|---|--|--|
| The MAILING DATE of this communication appe   | ars on the cover sheet with the c  | correspondence add  | ress                                     |  |
| THE REPLY FILED <u>22 December 2008</u> FAILS TO PLACE THIS   | APPLICATION IN CONDITION F   | OR ALLOWANCE.   |  |  |
| 1.  The reply was filed after a final rejection, but prior to or on application, applicant must timely file one of the following rapplication in condition for allowance; (2) a Notice of Appe for Continued Examination (RCE) in compliance with 37 C periods:   | eplies: (1) an amendment, affidavi<br>al (with appeal fee) in compliance                   | t, or other evidence, w<br>with 37 CFR 41.31; or          | hich places the (3) a Request            |  |
| a) The period for reply expiresmonths from the mailing  | date of the final rejection.   |   |  |  |
| b) The period for reply expires on: (1) the mailing date of this Adno event, however, will the statutory period for reply expire la   | ter than SIX MONTHS from the mailing   | date of the final rejection                               | n.                                       |  |
| Examiner Note: If box 1 is checked, check either box (a) or (I MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f Extensions of time may be obtained under 37 CFR 1.136(a). The date of the control of the | ).   |   |  |  |
| have been filed is the date for purposes of determining the period of extra under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office later may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  NOTICE OF APPEAL   | ension and the corresponding amount on tened statutory period for reply original contents. | of the fee. The appropria<br>nally set in the final Offic | ate extension fee<br>e action; or (2) as |  |
| 2. The Notice of Appeal was filed on A brief in compl   | iance with 37 CFR 41.37 must be f  | iled within two months                                    | s of the date of                         |  |
| filing the Notice of Appeal (37 CFR 41.37(a)), or any exten<br>Notice of Appeal has been filed, any reply must be filed wi<br>AMENDMENTS  | sion thereof (37 CFR 41.37(e)), to   | avoid dismissal of the                                    |  |  |
| <br>3. ☐ The proposed amendment(s) filed after a final rejection, b   | ut prior to the date of filing a brief,  | will not be entered be                                    | cause                                    |  |
| (a) They raise new issues that would require further con  | sideration and/or search (see NOT  | E below);   |  |  |
| (b) They raise the issue of new matter (see NOTE below  | •  |   |  |  |
| (c) They are not deemed to place the application in bett  | er form for appeal by materially rec   | ducing or simplifying th                                  | ne issues for                            |  |
| appeal; and/or<br>(d) ☐ They present additional claims without canceling a c  | orresponding number of finally reje  | ected claims  |  |  |
| NOTE: (See 37 CFR 1.116 and 41.33(a)).  | orresponding number of finding reje  | oted cidimis.   |  |  |
| 4. The amendments are not in compliance with 37 CFR 1.12  | 1. See attached Notice of Non-Cor  | mpliant Amendment (                                       | PTOL-324).                               |  |
| 5. Applicant's reply has overcome the following rejection(s):   |  |   |  |  |
| 6. Newly proposed or amended claim(s) would be allo   |  | imely filed amendmer                                      | nt canceling the                         |  |
| non-allowable claim(s).   | , ,  | •   | J  |  |
| 7.  For purposes of appeal, the proposed amendment(s): a) [how the new or amended claims would be rejected is prov The status of the claim(s) is (or will be) as follows:   |  | l be entered and an e                                     | xplanation of                            |  |
| Claim(s) allowed:   |  |   |  |  |
| Claim(s) objected to:   |  |   |  |  |
| Claim(s) rejected: Claim(s) withdrawn from consideration:   |  |   |  |  |
| AFFIDAVIT OR OTHER EVIDENCE   |  |   |  |  |
| <ol> <li>The affidavit or other evidence filed after a final action, but<br/>because applicant failed to provide a showing of good and</li> </ol>   |  |   |  |  |
| was not earlier presented. See 37 CFR 1.116(e).   | Sumsient reasons why the amagvi  | tor other evidence is                                     | necessary and                            |  |
| 9. The affidavit or other evidence filed after the date of filing a<br>entered because the affidavit or other evidence failed to ov<br>showing a good and sufficient reasons why it is necessary  | vercome <u>all</u> rejections under appea  | ıl and/or appellant fail:                                 | s to provide a                           |  |
| 10.   The affidavit or other evidence is entered. An explanation  |  |   |  |  |
| REQUEST FOR RECONSIDERATION/OTHER   |  |   |  |  |
| <ol> <li>The request for reconsideration has been considered but<br/>applicant's arguments are not found persuasive. See atta</li> </ol>  | ached paper.   | condition for allowan                                     | ce because:                              |  |
| <ul><li>12. ☐ Note the attached Information <i>Disclosure Statement</i>(s). (</li><li>13. ☐ Other:</li></ul>  | PTO/SB/08) Paper No(s)   |   |  |  |
|   | N.C. A. Mari   |   |  |  |
|   | /Viet Vu/  | nit 2454  |  |  |
| Primary Examiner, Art Unit 2454   |  |   |  |  |
|   |  |   |  |  |



Application No.